

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 The Bank of New York Mellon fka the Bank
4 of New York, as Trustee for the
5 Certificateholders CWALT, Inc. Alternative
6 Loan Trust 2005-61 Mortgage Passthrough
7 Certificates, Series 2005-61,

8 Plaintiff

9 v.

10 Cape Jasmine Ct. Trust, et al.,

11 Defendants

12 ALL OTHER PARTIES AND CLAIMS

Case No.: 2:16-cv-00248-JAD-GWF

Order Lifting Stay

[ECF No. 33]

13 Good cause appearing, IT IS HEREBY ORDERED that the motion to lift stay [ECF No.
14 33] is GRANTED IN PART, in that THE STAY IS LIFTED, but some of the other details and
15 deadlines requested by the motion are denied or revised. Instead, IT IS FURTHER ORDERED
16 that the parties have the following deadlines and obligations to move this case forward:

17 **Meet & Confer:**

18 The parties have until November 16, 2018, to meet and confer as defined by Local
19 Rule IA 1-3(f) regarding (1) the status of discovery (2) what viable claims and defenses remain
20 in the case in light of recent decisions from the Supreme Court of Nevada, and (3) the issues that
21 the parties intend to raise in any dispositive motion that the parties anticipate filing within the
22 next 90 days. A party representative must attend the meet and confer, either in person or
23 by telephone. Requests to be excused from any aspect of this meet-and-confer requirement will
be denied absent extraordinary circumstances.

1 **Discovery:**

2 Discovery was scheduled to expire 12 days after the stay was entered, and no motion to
3 extend the discovery cutoff was pending.¹ If any party desires to conduct additional discovery,
4 that party must file a motion to reopen discovery that complies with Local Rule 26-4 and takes
5 into account the fact that the 21-days-before-expiration deadline had expired before the stay was
6 entered in this case.

7 **Dispositive motions:**

8 Absent the reopening of discovery, **dispositive motions must be filed by November 30,**
9 **2018, and be accompanied by a declaration** by the movant's counsel that sets forth the details
10 of the meet-and-confer in compliance with LR IA 1-3(f)(2) and certifies that, despite good-faith
11 efforts, the issues raised in the motion could not be resolved. The court may summarily deny
12 any motion that fails to comply with this requirement.

13 **Proposed Joint Pretrial Order:**

14 Absent the reopening of discovery, the parties have until **December 28, 2018**, to discuss
15 settlement and prepare and **file their Proposed Joint Pretrial Order** in compliance with LR 16-
16 3(b). The filing of a timely motion for summary judgment will stay this deadline.

17 Dated: September 25, 2018

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20 U.S. District Judge Jennifer A. Dorsey
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¹ See ECF No. 18.